

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

TANA SHIVELY, individually and as
personal representative of the Estate of
Owen Daniel Shively,

Plaintiff,

v.

CANYON CREEK MEMORY CARE
COMMUNITY, LLC,

Defendant.

Case No. CV-20-120-BLG-SPW

ORDER

This matter comes before the Court on Plaintiff Tana Shively's Motion to Determine that a Resident's File is Subject to Compulsory Process, filed 12/1/2020. (Doc. 14). Defendant Canyon Creek Memory Care Community, LLC responded to the motion on 12/15/2020. (Doc. 17). Plaintiff filed her reply on 1/5/2021. (Doc. 18).


Pursuant to Court order, Defendant submitted a status report on January 29, 2021 (Doc. 20) informing the Court that the conservator for Jeff Dowd has indicated his agreement to consent to the release of Jeff Dowd's medical and

residential records dating from 10/12/2018 to 12/17/2018, as defined by the stipulated protective order. Defendant states that once the conservator's authorization is received, the records shall be provided to counsel for Plaintiff. As Defendant has agreed to turn over the records, Plaintiff's motion to compel is now moot. Therefore,

IT IS HEREBY ORDERED that Plaintiff's Motion to Compel (Doc. 14) is DENIED as moot.

The Clerk of Court is directed to notify the parties of the making of this Order.

DATED this 29th day of January, 2021.


SUSAN P. WATTERS
United States District Court Judge